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UNCLAS SECTION 01 OF 02 NAIROBI 003251

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TAGS: [PGOV](#) [PREL](#) [KCRM](#) [CASC](#) [KE](#)  
SUBJECT: COURT RULES FATHER KAISER'S DEATH HOMICIDE

REF: A. 00 NAIROBI 6976 B. 00 NAIROBI 06817

[1](#)C. 00 NAIROBI 6814 D. 99 NAIROBI 12167

[1](#)1. (SBU) Summary: The recent finding by a Kenyan court that the death in 2000 of an American priest, Father John Kaiser, was a result of homicide has stirred renewed interest in the case due to his prominence as a human rights activist and vocal opponent of the former Kenyan government. The Court Magistrate rejected the previous joint Kenyan/FBI conclusion that Father Kaiser committed suicide, saying the investigation was severely flawed, and recommended a new investigation be opened. The Embassy has no plans to publicly rebut the court's finding but will continue to follow the case closely. END SUMMARY.

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Background  
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[1](#)2. (U) Outspoken Critic of Moi Government: Fr. Kaiser was a Catholic priest who lived in Kenya for 36 years. His assertions that the KANU government violently displaced farmers from the Rift Valley and incited tribal violence in 1991-1992 led him to publicly call for the arrest of President Moi for crimes against humanity.

[1](#)3. (U) In 1998, two females confided in Fr. Kaiser that they were impregnated under-aged by then-Internal Security Minister Julius Sunkuli. Fr. Kaiser helped them file a civil lawsuit against Sunkuli, but the women later dropped the case. Fr. Kaiser made many powerful enemies by this time, and in 1999, the Kenya Department of Immigration ordered his deportation for letting his residence permit lapse. Only intervention by the Catholic Church and the U.S. Ambassador reversed his ordered deportation.

[1](#)4. (U) Kaiser's Death: On the morning of August 24, 2000 the body of Fr. Kaiser was found outside Naivasha about 40 miles northwest of Nairobi. Lying next to Fr. Kaiser was his shotgun. One shell had been fired. His pickup truck was about 33 feet away in a ditch. Due to his prominence throughout Kenya as a human rights advocate and for challenging the Moi government, many people assumed that Fr. Kaiser's death was a homicide, ordered by one of his enemies and likely a high government official.

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FBI Investigation  
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[1](#)5. (U) At the invitation of the Kenyan government, the U.S. Federal Bureau of Investigations (FBI) sent an investigative team to Kenya within three days of Kaiser's death to work with the Criminal Investigation Director (CID). The investigation began with an assumption by both the FBI and CID that a crime had been committed. After an exhaustive investigation which included interviewing over 200 people and collecting extensive amounts of physical evidence, the FBI

concluded though that Kaiser,s death was the result of a self-inflicted wound. In its 81-page report, issued on April 21, 2001, the FBI concluded that based on forensic evidence and prior history of mental health and erratic behavior, Fr. Kaiser committed suicide.

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Kaiser Inquest  
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¶6. (U) Unhappy with the FBI,s conclusion, Kenyan church leaders pressured the government to begin a new inquest into Fr. Kaiser,s death. The inquest ran from August 2003 to ¶2007. On August 1, 2007, Naivasha Chief Magistrate Maureen Odero rejected the FBI,s report and ruled that Fr. Kaiser was killed. She stated that the FBI investigation was &seriously flawed8 and &replete with loopholes and missing links and raise more questions than answers.8 The court also stated that no evidence was introduced to back the claim that the priest was mentally unstable. (Note: The U.S. Embassy sent a Diplomatic Note to the Ministry of Foreign Affairs in January to make available three FBI agents to provide testimony at the inquest. The agents were never summoned to testify and the FBI was not afforded the opportunity to produce evidence. End Note.)

¶7. (U) Judge Odero recommended the government open a new investigation to determine who was behind Fr. Kaiser,s death. According to Odero, the new investigation should focus on Francis Kantai, who served under Fr. Kaiser at the Lolgorian Parish and whose behavior leading up to the death seemed questionable to some. The investigation also should focus on Kenya Wildlife Service game rangers who were involved in the disappearance of a rifle and magazine from Mara Serena armory around the time of Fr. Kaiser,s death.

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At the same time, Odero cleared former Minister Sunkuli of any involvement, opining that Sunkuli would have targeted the women who brought forth the rape accusations or his political detractors rather than targeting Fr. Kaiser. As expected, the court,s finding was well received by many in the Catholic and local communities.

¶8. (SBU) Despite the accusation that its investigation was flawed, LEGAT has no plans to pursue this matter further. Local media have said little on the magistrate,s ruling after the initial day of press, probably due to a number of other issues grabbing national headlines. LEGAT believes that issuing a rebuttal would only bring more attention to the matter without changing minds. The Public Affairs Office also has no plans to issue a public statement regarding the ruling for the same reason.

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Comment  
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¶9. (SBU) Despite the reduced amount of press, we do expect the case to continue to receive attention by groups in the U.S. as well as in Kenya. However, it seems unlikely that the government will open a new investigation seven years after death. According to recent local press report, there is a backlog of approximately one million cases pending in Kenyan courts. We will continue to monitor the case and provide further updates as they arise.

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